

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: September 15, 2010




Guy R. Humphrey
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In re: SHELLLENIA M. NICLEY
RAYMOND T. NICLEY,

Debtors

Case No. 05-31000

Judge Humphrey
Chapter 7

Order Denying Motion for Payment of Unclaimed Funds, Without Prejudice

On September 13, 2010, Dilks & Knopik, LLC, Attorney in Fact for AurGroup Financial Credit Union, Inc., a claimant in this case, filed an *Application for Release of Unclaimed Funds* (Doc. 40) (the "Application").

Upon review of the Application, the court notes that it contains a 20 day notice instead of the mandatory 21 day notice. See Local Bankruptcy Rule 9013-1 concerning noticing of motions. The court finds no basis to grant the relief sought in the Application based on limited notice.

Based on the foregoing, the Application (Doc. 40) is **denied, without prejudice to the filing of an appropriate motion for withdrawal of unclaimed funds, which provides proper notice.**

IT IS SO ORDERED.

Copies to:

Default List

United States Attorney's Office, Federal Building, 200 W. Second Street, #602, Dayton, Ohio
45402

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